

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA : CRIMINAL ACTION  
: No. 1:12-CR-31-6-CAP-ECS  
v. :  
: GERALD EASON :  
:

REPORT AND RECOMMENDATION

This matter is before the Court on Defendant's motion to suppress evidence. [Doc. 118]. The motion came on for a evidentiary hearing on August 15, 2012, and evidence was taken. At the conclusion of the evidence, the government stipulated it would not seek to introduce the interview statement given by Defendant on April 19, 2012. The facts also supported a finding that the statement should be suppressed as having been obtained in violation of the principle recognized in Garrity v. New Jersey, 385 U.S. 493, 500 (1967).

Accordingly, the undersigned **RECOMMENDS** that the motion to suppress the interview statement [Doc. 118] be **GRANTED**. The Court further found at the hearing that there was no evidence that the interview statement tainted the findings of the grand jury in the First Superceding Indictment or any other arguably suppressible evidence.

In addition, because it appears that there are no further pretrial or discovery matters to bring before the undersigned, **IT IS THEREFORE ORDERED** that this Defendant be and is hereby **CERTIFIED** as ready for trial.<sup>1</sup>

**SO REPORTED, RECOMMENDED, and ORDERED**, this 16th day of August, 2012.

/s/ E. Clayton Scofield III  
E. Clayton Scofield III  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> This Court observes that this defendant has been indicted with additional defendants and that matters pertaining such co-defendants are still pending. Pursuant to 18 U.S.C. §3161 (h)(6) (the Speedy Trial Act), the time for commencing the trial of these defendants may be stayed until such time as all defendants have been certified ready for trial. Hence, it is not necessary to place the above-named defendant's case on the calendar for trial at this time.